THE HONOURABLE SMT JUSTICE T.MEENAKUMARI
And
THE HONOURABLE SRI JUSTICE N.V.RAMANA

Writ Petition No.12011 of 2006

Dated:23rd June, 2006

Between:

Tavutm Laxmaiah.

…..PETITIONER

AND

The Government of Andhra Pradesh
rep by its Secretary, Home Department,
Secretariat Buildings, Hyderabad, A.P
& 3 others.

….RESPONDENTS

THE HONOURABLE SMT JUSTICE T.MEENAKUMARI
And
THE HONOURABLE SRI JUSTICE N.V.RAMANA

Writ Petition No.12011 of 2006

ORDER:

This writ petition in the nature of Heabus Corpus is filed seeking direction to the respondents 3 and 4 to produce the detenues 1) Tavatam Sadashiv S/o Laxmaiah and 2) Tavatum Chandrasekhar s/o Laxmaiah, both resident of H.No.20-516, Renukulawada Opp: Shivshankar Rice Mill, Garmilla, Mancheria, before this Court.

It is the case of the petitioner that on 02-06-2006, at about 4.00 A.M, his sons Tavatam Sadashiv and Tavatum Chandrasekhar, while they were sleeping were taken to the police station from their beds by the respondents 3 and 4, Sub-Inspector of Police, Mancherial, P.S, Mancherial District and Circle Inspector of Police Mancherial, P.S.Mancherial, Adilabad, respectively. The respondents while taking the detenues abused them in filthy language. It is also the case of the petitioner that on enquiry, he came to know that some anti-social elements who are inimical towards his family, brought the dead body of one Ailoji Srinivas son of Madanaiah, who died of suicide and kept in front of his house. The petitioner states that the said news of suicide and illegal custody of his sons appeared in local press and also in electronic media viz., E.T.V news and city news. It is the further case of the petitioner that from 2-6-2006 onwards he was going and visiting his sons in the police station and providing food as and when the police are permitting. The petitioner further states that his sons throughout this period are being tortured by the respondents 3 and 4 by third degree methods to confess that they are involved in the death of one

Ailoji Srinivas and are also demanding money without producing his sons before the concerned Judicial Magistrate of First Class, Mancherial, and that his sons have nothing to do with that incident. Hence, prayed for production of his sons before this Court as there is every threat to his sons.

Learned counsel for the petitioner submitted that there is every threat to the sons of the petitioner by the respondents as they were illegally detained by the respondents without there being any offence committed and the respondents are using third degree method on the deteneus to confess the crime for the death of one Ailoji Srinivas. Therefore, the learned counsel prayed that the detenues be produced before this Court.

When the matter came up on 16-6-2006, the learned Advocate General appeared on behalf of the State and took notice and sought time to file counter. Pursuant thereto a counter affidavit is filed by the respondent No.3-Sub-Inspector of Police, Mancherial Police Station denying the allegations made in the writ affidavit.

In the counter it is stated that on 2-6-2006 at 0310 hrs one Sri A.Madhu s/o Kishtaiah lodged a Telugu written complaint in the police station stating that at about 3.00 hrs while he was sleeping in the house, Chindam Sathaiah and Rayilla Tirupati Reddy, came to his house and informed that his cousin Ailoju Srinivas was burnt into flames, and that on receiving the said message, he rushed to the spot and found his cousin burnt and when he enquired the victim the victim stated that on 2-6-2006, when he went from his house to attend nature calls, Shekhar, Sadashiv and others threatened him at point of knife and took the victim into the house, gagged his mouth with cloth, tied his both hands with wire and poured kerosene on him and set fire, and that he took the victim immediately to the hospital, and that the victim and the detenues have disputes with regard to land and in that connection they have burnt his cousin.

In the counter it is further stated that basing on the said complaint a case in Cr.No.255 of 2005 under Section 307 r/w 34 I.P.C was registered at Mancherial Police Station and the investigation was taken and during the course of investigation he recorded the statement of the complainant and rushed to the government hospital and found the victim I.Srinivas with 90% burn injuries and requested the J.F.C.M.

Mancherial to record the Dying Declaration of the victim who recorded the statement of the victim, and that he visited the scene of offence and observed the scene and examined and recorded the statements of the witnesses, which corroborated with the contents of the F.I.R, and then the victim was transferred to M.G.M Hospital, Warangal where he was succumbed to 90% burn injuries on 5-6-2006 at 2.30 hrs, and that the dead body was handed over to relatives and the Section was altered from 307 r/w 34 I.P.C to Section 302 r/w 34 I.P.C, and that on 18-6-2006 at 10.00 hours the accused/detenues were apprehended in their house, and on interrogation they confessed the offence and they were taken into custody on 18-6-2006 and produced before the learned J.F.C.M, Mancherial on 19-6-2006 and the learned Magistrate remanded the accused/detenues to the judicial custody and the detunes were now lodged at District Jail, Asifabad.

It is further stated the allegation that the respondents on 2-6-2006 at about 4.00 a.m took the alleged detenues to the Police Station while they were sleeping abusing them in filthy language and beat them in black and blue for no fault is not correct and is denied. Hence, in the aforementioned facts and circumstances, the respondent prayed that the writ petition be dismissed.

Heard the learned counsel for the petitioner and the learned Advocate General on behalf of State and perused the counter affidavit filed by the respondent No.3.

A perusal of the counter affidavit filed by the respondent No.3 makes clear that the sons of the petitioner/detenues were taken into custody on 18-6-2006 basing on a complaint lodged by one A.Madhu alleging the involvement of the detenues in the death of one Ailoju Srinivas who died of burns. The counter also disclose that a case in Cr.No.255 of 2006 under Section 302 r/w 34 I.P.C was registered and the matter was investigated and on 19-06-2006 the detenues were remanded to judicial custody and the alleged detenues are now lodged at District Jail, Asifabad.

In the aforementioned facts and circumstances, we feel that there is no detention as alleged by the petitioner. The writ petition is liable to be dismissed, and it is accordingly dismissed. No costs.

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(T.MEENAKUMARI,J.)

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(N.V. RAMANA, J.)

Date:23rd June, 2006.

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